

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 9, 2005

IN RE:

**PETITION FOR APPROVAL OF THE
INTERCONNECTION AGREEMENT BETWEEN
BELLSOUTH TELECOMMUNICATIONS, INC.
AND KMC TELECOM V, INC.**

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**DOCKET NO.
05-00208**

ORDER APPROVING THE INTERCONNECTION AGREEMENT

This matter came before Chairman Ron Jones, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 17, 2005 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the interconnection agreement negotiated between BellSouth Telecommunications, Inc. ("BellSouth") and KMC Telecom V, Inc ("KMC") filed on August 2, 2005.

Based upon a review of the agreement, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition, subject to KMC filing with the Authority proof of its recertification to transact business with the Tennessee Secretary of State. The panel directed KMC to file proof of its recertification with the Authority by November 1, 2005. The panel made the following findings and conclusions.

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104 (2004).
- 2) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it "discriminates against a telecommunications carrier not a party to the agreement" or

if the implementation of the agreement "is not consistent with the public interest, convenience or necessity."

3) The agreement is in the public interest as it provides consumers with alternative sources of telecommunications services within BellSouth's service area. However, the agreement is contrary to the public interest to the extent that it involves an entity not properly authorized to transact business in the State.

4) The agreement is not discriminatory to telecommunications service providers that are not parties thereto.

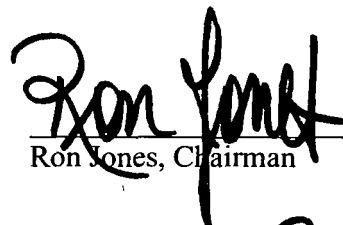
5) No person or entity has sought to intervene in this docket.

6) The agreement is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn Code Ann. § 65-4-104 (2004).


IT IS THEREFORE ORDERED THAT:

1. The Petition is granted contingent on KMC Telecom V, Inc. being reinstated by the Tennessee Secretary of State by October 31, 2005 and filing with the Authority proof of its reinstatement by November 1, 2005.

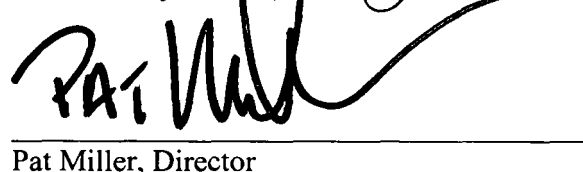
2. Failure of KMC Telecom V, Inc. to obtain reinstatement by October 31, 2005 will result in the agreement being deemed rejected as of October 17, 2005 without further action by the panel.



Ron Jones, Chairman



Deborah Taylor Tate, Director



Pat Miller, Director